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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR    | ATTORNEY DOCKET NO.     | CONFIRMATION NO. |
|---|-------------|-------------------------|-------------------------|------------------|
| 09/676,967  | 10/02/2000  | Bradford G. Corbett JR. | 0230CG-101              | 4319             |
| 7590  | 05/17/2004  |                         |                         | EXAMINER         |
| Charles D Gunter Jr, Whitaker, Chalk, Swindle<br>& Sawyer, LLP<br>3500 City Center Towers II<br>301 Commerce Street<br>Fort Worth, TX 76102 |             |                         | BLOUNT, STEVEN          |                  |
|   |             |                         | ART UNIT                | PAPER NUMBER     |
|   |             |                         | 2661                    |                  |
|   |             |                         | DATE MAILED: 05/17/2004 |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                           |                      |
|------------------------------|---------------------------|----------------------|
| <b>Office Action Summary</b> | Application No.           | Applicant(s)         |
|                              | 09/676,967                | CORBETT, BRADFORD G. |
|                              | Examiner<br>Steven Blount | Art Unit<br>2661     |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 March 2004.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 4.5 and 7-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 4.5 and 7-11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/24/04 has been entered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4 – 5 and 7 – 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 4 and 5, line 2, it is stated that a "bell end connection" is formed.

However, throughout these claims (lines 12, 19, and 22 of claim 1, for example) there is a "bell connection" claimed. It is possible that applicant intended this, with the "bell connection"

to correspond to the material which is wrapped about the gasket, wherein the totality of the gasket and the wrapped material forms the "bell end connection". If this is the case, then applicant should probably insert the word – end – after the word "bell" in line 5 of claims 4 and 5, since the internal diameter would correspond to the "bell end

connection" formed, as the bell end consists of both the gasket and wrapping.

Otherwise, applicant should correct the antecedent basis problems mentioned in at least the portions cited above.

Also, in lines 15+, the phrase "passage of the spirally wound melt profile around the mandrel cylindrical inner extent, the region of decreased external diameter containing the elastomeric gasket" is indefinite, as it is unclear what is being stated (perhaps it should be stated in the verbal tense), and the examiner suggests inserting the word – the – before the words "mandrel cylindrical" in line 17 of these claims.

4. Claims 4 – 5 and 7 – 11 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. patent 4329193 to Sznopek et al in view of U.S. patent 5,411,619 to Sundqvist et al and U.S. patent 5,988,695 to Corbett Jr.

Applicant is requested to refer to the rejection presented by the examiner in paper number 16 for a detailed explanation of this rejection.

#### ***Response to Arguments***

5. Applicant's arguments filed 3/24/04 have been fully considered but they are not persuasive.

Applicant argues that Sundqvist is not concerned with "Rieber" type processes, including locating a prestressed and "anchored" sealing gasket within a pipe groove", however, as the claims are amended, all that is claimed is manufacturing the connector, not the act of coupling the pipes. The examiner disagrees with the applicants assertion that the overall shape of the mandrel/forming surface 50 (see col 9, line 37 and figure 4) comprised of members 56/52/56' bears no semblance to the "bell connection" which is

formed. As shown in figure 4, this "mandrel" supports the "gasket" (shown apparently by member 30) and the outer windings 10 as shown, and it forms a concave (though not perfectly smooth) surface which corresponds to the "locating area forming a region of decreased external diameter" (claim 4, line 7). The fact that it does not extend to the left or right in figure 4 is of no great consequence, as one of ordinary skill in the art would easily recognize that it would be a simple modification to extend a cylindrical member to either member 57 or 57' in light of the teachings of Sundqvist et al in order to facilitate rotation of the mandrel and more efficient formation of the windings. Applicant states that "The mandrels are completely different in design because of their completely different purposes" (page 7, lines 4+). This is incorrect. The purposes of the mandrels are the same in each instance – to produce a spiral winding about a gasket.

6. Examiner Steven Blount may be reached at 703-305-0319 between the hours of 9:00 and 5:30 Monday through Friday.

*Douglas W. Olms*  
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SB

  
5/6/04